

CONFIDENTIAL

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2. [redacted] Richard Moose, on the staff of the Senate Foreign Relations Committee, called and asked if we could arrange for [redacted]

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[redacted] was put in direct contact with Moose to explain the type of material which is available and it will be forwarded to Moose through this office.

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3. [redacted] Mrs. Nita Stockstill, House Armed Services Committee staff, advised that H.R. 6483, to increase the number of 4-star billets in the Marine Corp, was passed by the House this afternoon.

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Will Jack Make His 25th Reunion?

By JEROME ALAN COHEN

NEW HAVEN—The class of 1951 has just held its twentieth reunion at Yale but Jack Downey wasn't there. Jack and an assistant, Richard Fecteau, have been in prison in China since Nov. 29, 1952.

In late 1954 the Supreme People's Court in Peking announced that the two Americans had been convicted of espionage for secretly air-dropping supplies and agents into China as part of a C.I.A. effort to foment rebellion. Four of the Chinese agents were executed. Downey was sentenced to life, and Fecteau got twenty years.

The U.S. called the convictions "a most flagrant violation of justice" based upon "trumped-up charges." The men, it was said, were actually "civilians employed by the Department of the Army," who had never invaded China's airspace but had been lost on a routine flight from Korea to Japan.

Sino-American negotiations in 1955 led to the release of most other Americans held in China. Early in 1957 China offered to release Downey and Fecteau if the U.S. would allow American newsmen to visit China. Secretary Dulles refused to approve the arrangement because it would constitute yielding to Chinese "blackmail."

Since then, for almost fifteen years, the U.S. has quietly sought the release

of Downey and Fecteau. But it has never admitted the truth of China's assertions. Yet many members of the class of '51 recall the day, several months before graduation, when a representative of the then newly formed C.I.A. visited New Haven to recruit Yale seniors who were concerned about what the Korean conflict held in store for them. The man was very vague about the kind of work the recruits would enter. Finally he indicated, "purely as a hypothetical," that "the agency" might want to organize resistance in China. Jack Downey and some others ended up doing exactly what the "hypothetical" mission called for.

None of this is news to China, of course. In this country our Government's persistent denials have occasionally been challenged by scholars and journalists. Yet the U.S. has thus far refused to repudiate Mr. Dulles' posturing about international law.

Perhaps one can understand the reluctance to confess error in the case of Fecteau, who is scheduled for release in little more than a year. But Downey is serving a life sentence. The suicide last year of Hugh Redmond, another American serving a life term for espionage in China, should remind us that even the bravest souls can endure only so much.

We should not assume that China is insensitive to either political or humanitarian considerations in this last case of Americans detained since the 1950's. Shortly after Redmond's death, Peking released the elderly Bishop James Walsh before his sentence had run its course. But Peking remains sensitive about American attacks that slander the administration of justice in China as uncivilized and deny China the same right to self-defense that other states enjoy.

Now that table tennis has introduced "people to people" diplomacy, the prospects for Downey's release may well brighten if the U.S. will admit that it violated China's territorial integrity during a bygone wartime era, apologize for having done so and recognize China's sovereign right to punish offenses against its security.

If the U.S. opposes making individuals the pawns of power politics, it should abandon its preoccupation with "face," as it did in the much more ambiguous case of the Pueblo, and set the record straight. Otherwise Jack Downey may not make our twenty-fifth reunion.

Jerome Alan Cohen is a professor at Harvard Law School and the author and editor of books on China. He is a member of Yale's class of '51.